

* Admitted *pro hac vice*

Attorneys for Plaintiff and the putative class

DANIEL RODRIGUEZ, individually and)	Case No. 11-CV-4084-PJH
on behalf of a class of similarly situated)	
individuals,)	[Hon. Phyllis J. Hamilton]
)	
Plaintiff,)	PLAINTIFF’S STATEMENT OF
v.)	NON-OPPOSITION TO
)	DEFENDANT’S MOTION TO
SONY COMPUTER ENTERTAINMENT)	DISMISS
AMERICA LLC, a Delaware limited)	
liability company, SONY NETWORK)	Date: February 8, 2012
ENTERTAINMENT INTERNATIONAL)	Time: 9:00 a.m.
LLC, a Delaware limited liability)	Courtroom: 3
company, and JOHN DOE)	
DEFENDANTS 1-10,)	
)	
Defendants.)	

PLAINTIFF'S STATEMENT TO DEFENDANT SONY'S MOTION TO DISMISS
PURSUANT TO L.R. 7-3(b)

Plaintiff filed the instant action on August 18, 2011. On November 30, 2011, Defendant Sony Computer Entertainment America, LLC moved to dismiss Plaintiff's Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(6). No other responsive pleadings or motions under Rule 12 had been previously filed or served by Defendant.

Pursuant to Fed. R. Civ. P. 15(a)(1), Plaintiff intends to file a First Amended Complaint on December 21, 2011, within 21 days of service of Defendant's Rule 12(b)(6) motions. However, to the extent that the Local Rules of this District require that Plaintiff file a response to the pending motion, Plaintiff submits this Statement pursuant to Civil L.R. 7-3(b) and, without prejudice to any opposition he may raise in response to Defendant's Motion to Dismiss, hereby notifies the Court that he intends to file a First Amended Complaint as a matter of course as and for his response to Defendant's Motion to Dismiss.

Dated: December 21, 2011

Respectfully submitted,

DANIEL RODRIGUEZ, individually and on behalf of a class of similarly situated individuals,

By: /s/ Sean P. Reis

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CERTIFICATE OF SERVICE

I, Sean P. Reis, an attorney, certify that on December 21, 2011, I served the above and foregoing ***Plaintiff's Statement of Non-opposition to Defendant's Motion to Dismiss***, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

/s/ Sean P. Reis